

GOVERNMENT OF ANDHRA PRADESH

A B S T R A C T

Establishment – Cooperation Department – Representation of Sri Shaik Sarwar Saheb and Sri K.Koteswara Rao, Asst.Registrars of Cooperative Societies – Fixation of Seniority in the category of Junior Inspectors of Cooperative Societies – Appeal disposed of – Orders – Issued.

AGRICULTURE AND COOPERATION (COOP-II) DEPARTMENT

G.O.Rt.No. 292

Dated: 27-2-2009

Read the following:-

1. Orders of Hon'ble A.P.A.T. dt. 2-5-2006 in O.A.No.2702/2006 filed by Sri R.Seshacharyulu, and Sri Sk.Sarwar Saheb, Asst.Registrars, Guntur.
2. Proceedings of the Addl.Registrar-I, O/o CC&RCS, Hyderabad, Rc.No.405/2006-E, dt. 26-9-2006.
3. From Sri R.Seshacharyulu, and Sri Shaik Sarwar Saheb, Asst.Registrars of Cooperative Societies, O/o DVLCO, Guntur, dt. 17-2-2007 and 16-9-2008.
4. Govt.Memo.No.3687/Coop-II/A2/2008, dt. 4-10-2008.
5. From the CC&RCS, Hyderabad, Lr.Rc.No. 21979/08/SR-III, dt. 24-2-2009.

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ORDER:-

Sri R.Seshacharyulu, and Sri Shaik Sarwar Saheb, Asst.Registrars of Cooperative Societies, O/o of the Divisional Cooperative Officer, Guntur, had filed O.A.No.2702/2006 before the A.P. Administrative Tribunal seeking directions to pass orders on their representation dt. 24-12-2005 for fixation of their seniority in the cadre of Junior Inspector which was pending before the Commissioner for Cooperation and Registrar of Cooperative Societies, AP, Hyderabad. The Hon'ble A.P. Administrative Tribunal. in its orders in the reference 1st read above, have directed the Commissioner for Cooperation and Registrar of Cooperative Societies, AP, Hyderabad to pass orders on the representation of applicant by taking into account the rule 2(b)(v) of Co-operative Sub-ordinate Service Rules and also to follow the Judgment of the Tribunal passed in O.A.No.1953/1995, 1955/1995 and 4052/1995 dt. 5-12-2003, within six week from the date of receipt of copy of the order.

2. Accordingly, the Additional Registrar-I, O/o the Commissioner for Cooperation and Registrar of Cooperative Societies, AP, Hyderabad in the reference 2nd read above, passed orders on the representation of the individual, stating that the orders contained in O.A.No.1953/95, 1955/95 & 4052/95 pertain to another cadre that too in different zones and the context is also different from the present case of the applicants that, in pertinent to Judgment of Hon'ble Tribunal dt 2-11-1988 in R.P.No.1858/1984 the seniority list prepared vide Memo.dt. 30-5-1984 was revised vide Memo.No.23938/E-8/NG/A/S/SPF/83, dt. 21-7-1988, duly issuing notices to all affected parties and also after publishing notice in the A.P. Gazette and that the applicants have not questioned the revised seniority list, that the seniority list of Junior Inspectors in Zone-III is in accordance with General Rule 33(a) r/w Special Rule 2(b)(v) of A.P. Coop.Subordinate Service Rules, 1953 and orders of Hon'ble A.P.Administrative Tribunal dt. 2-11-1988. Thus the Additional Registrar-I, O/o the Commissioner for Cooperation and Registrar of Cooperative Societies, AP, Hyderabad has disposed off the representation of the individuals.

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3. Sri R.Seshacharyulu and Sri Shaik Sarwar Nawab, Asst.Registrars, O/o Divisional Cooperative Officer, Guntur have filed representations before the Govt.. In their representation they have submitted among others that the contention of the Additional Registrar-I in the Proceedings. dt. 26-9-2006 is not a correct one, as he is the State level Officer for fixing seniority of Cooperation Dept., there should be no variance in application of Subordinate Rules in fixation of Seniority and the concept of Rule is one for all and equal justice was not applied in their case. They also submitted that the contention of Additional Registrar-I that settled seniority cannot be disturbed as per Govt.Memo.No.16/Ser-A/93-39 dt. 21-4-1999 is not correct as their issue relates to early 1980, thus the Memo. issued in the year 1999 may not be made applicable in their case. In respect of Zone-II in the cadre of Asst. Registrar, the A.R-I, through Memo.Rc.No.43919/95/E6 dt. 1-10-2005 issued revised seniority for the period from 1978 to 1990 by ignoring the instructions issued in the said Govt., Memo.dt. 21-4-1999. They have therefore requested the Govt., to kindly examine their case and issue directions to implement the orders of A.P.Administrative Tribunal in O.A.No.2702/2006, dt. 2-05-2006. In the reference 5th read above, the Commissioner for Cooperation and Registrar of Cooperative Societies, AP, Hyderabad has furnished remarks on the representation of the individuals.

4. Government, have examined the matter and observed that the Hon'ble A.P.Administrative Tribunal in its orders in the reference 1st read above issued specific directions to the Commissioner for Cooperation and Registrar of Cooperative Societies, AP, Hyderabad to pass orders on the representation of applicants by taking into account the rule 2(b)(v) of Co-operative Sub-ordinate Service Rules and also to follow the Judgment of the Tribunal passed in O.A.No.1953/1995, 1955/1995 and 4052/1995 dt. 5-12-2003. The Additional Registrar-I, while disposing off the representation of the individual vide reference 2nd read above, had not taken into consideration of above Judgment of Hon'ble A.P.Administrative Tribunal and stated that the said orders pertains to another cadre that too in different Zones and the context is also different from the present one. Govt., observes that the contention of the Additional Registrar-I in this regard appears not correct, since the manner of filling up of the posts of Assistant Registrars and Junior Inspectors of Cooperative Societies is the same i.e., by direct recruitment or by promotees in the ratio prescribed there in. In other words, the direct recruitment vacancies shall not be filled by a promotee and if the promotees are in excess of the quota earmarked for such promotees, they should be pushed down in the seniority list. The A.R-I, in his proceedings had not justified his contention clearly as how the orders contained in the above judgment are different from the case of the applicants, as mere differentiation in Cadre and Zone may not be the criteria for non applicant of above said judgment of A.P.Administrative Tribunal. Further, the instructions issued in Govt.Memo.No. 16/Ser-A/93-39 dt. 21-4-1999 can not be made applicant to the case of the applicants in view of orders of Hon'ble A.P.Administrative Tribunal dt.2-5-2006 in O.A.No.2702/2006.

5. In view of the above, Government hereby direct the Commissioner for Cooperation and Registrar of Cooperative Societies, AP, Hyderabad to examine the case of the applicants, strictly in accordance with Rule 2(b)(v) of Co-operative Sub-ordinate Service Rules and in light of orders of Hon'ble Tribunal in O.A.No.1953/1995, 1955/1995 and 4052/1995 dt. 5-12-2003, and pass appropriate orders afresh and fix the seniority of the applicants in the cadre of Junior Inspectors of Co-operative Societies thereon. The appeal of the individuals in the reference 3rd read above is disposed off accordingly.

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6. The Commissioner for Cooperation and Registrar of Cooperative Societies, AP, Hyderabad shall take necessary action in the matter.
(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

PANKAJ DWIVEDI,
PRINCIPAL SECRETARY TO GOVERNMENT(FP,AM&COOP)

To
The Commissioner for Cooperation and Registrar of Cooperative Societies,
A.P. Hyderabad.
The individuals concerned through the Commissioner for Cooperation and
Registrar of Cooperative Societies, AP, Hyderabad.
SF/SC

//FORWARDED: BY ORDER//

SECTION OFFICER